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ABSTRACT

The Lau Remedies, federal recommendations to help school districts comply with the law in providing education for non-English-speaking children, raised questions of language assessment and resulted in a variety of language tests. Four years later, an examination of 46 currently available language tests, in the context of commonly accepted notions about the structure of language and the general question of language acquisition in relation to development, reveals that they all measure different things, with none measuring all of the aspects thought to be important. None was specifically designed to meet Lau Remedies requirements. The problem identified by the Lau decision may be much broader than previously thought, a complex sociocultural and economic disparity between different peoples living in the United States, and the solution implied by the decision is symptomatic of the problem that produced the litigation. Educators are cautioned to make the education of children their primary concern. The appendix provides a list of the language tests examined; a three-page list of references follows. (MSE)

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# Bilingual Education PAPER SERIES

## A FEW THOUGHTS ABOUT LANGUAGE ASSESSMENT: THE LAU DECISION RECONSIDERED

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# A FEW THOUGHTS ABOUT LANGUAGE ASSESSMENT: THE LAU DECISION RECONSIDERED*

Edward A. DeAvila

Sharon E. Duncan

The opinion of the Supreme Court of the United States in the class suit *Lau vs. Nichols* was delivered January 21, 1974, but its mandate with respect to providing non-English-speaking children in this country a "meaningful opportunity to participate in the public educational program" is not yet close to being met. In this paper we will review the outcome of the *Lau* decision and the subsequent and inevitable questions of language assessment which have been raised at both the national and district levels. We will then discuss 46 currently available language tests in terms of some commonly accepted notions about the structure of language and the general question of language acquisition in relation to development. Finally, we will consider that the problem identified by the *Lau* decision may be a much broader one than previously thought, and one which can be solved only through the simultaneous consideration of linguistic, developmental, and socio-cultural factors.

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The problem raised in the *Lau* action is a matter of language instruction--specifically, the failure of a school system "...to provide English language instruction to approximately 1,800 students...who do not speak English." This failure violates section 601 of the Civil Rights Act of 1964, which bans discrimination based on race, color, or national origin in programs receiving federal financial assistance.

Almost immediately after the *Lau* ruling, the Office for Civil Rights (OCR) required all districts receiving federal funds to conduct a "language survey" to identify those children whose home language was other than English. When OCR followed up the *Lau* decision with this survey and compiled a list of 333 school districts which were "out of compliance" with the *Lau* decision, and subsequently prepared a set of guidelines to be followed by these school districts, the issue of language became both a socio-political and legal issue for the entire country. At the very heart of this issue lay the strong implication that school districts found not in compliance with the *Lau* decision would run the risk of forfeiting federal assistance for special programs. Insofar as this meant a possible loss of revenues the school districts could ill afford to lose, district officials sought guidance from OCR.

The upshot of all this was that OCR, in an effort to assist school districts, prepared a set of recommendations which have come to be known as the *Lau Remedies* (Office for Civil Rights, 1975). The recommendations in the *Lau Remedies* are meant to help school districts from running afoul of the law. As such,

questions pertaining to assessment, linguistic development, classroom placement, program design, and so on, which were normally under the purview of the educators, psychologists, linguists, and other social scientists, became by default the responsibility of OCR officials. And, in the absence of "good hard empirical evidence," OCR officials were called upon to set up recommendations to provide ready-made and practical solutions to some of the knottiest intellectual problems which for years have beset practitioner and researcher alike.

Since the basic issue in the *Lau* decision was the fact that the approximately 1,800 children involved in the case did not speak English, the question of language assessment became a focal point in the *Lau Remedies*. In fact, it would seem that the issue of language assessment formed the very basis of the *Lau Remedies*, since all else seems to follow from a determination of the linguistic make-up of the schools. In the following pages, we would like to examine the issue of language assessment. As will be seen, an examination of this issue reveals a far more complicated picture than originally understood. Unfortunately, this is a picture that is characterized by paradoxes, dilemmas, and any number of unresolved social and political issues that are not as amenable to change as we might think. In fact, it may turn out, as we believe, that language *per se* is not the problem, but rather that the problem is a unique combination of attitudes toward language, ethnicity, self, and society.

As a means for helping districts determine whether or not they had a civil rights problem, OCR, in the absence of a re-

search base, developed a five-level system for categorizing school children's language patterns:

> A. Monolingual speaker of the language other than English (speaks the language other than English exclusively).
>
> B. Predominantly speaks the language other than English (speaks mostly the language other than English but speaks some English).
>
> C. Bilingual (speaks both the language other than English and English with equal ease).
>
> D. Predominantly speaks English (speaks mostly English, but some of the language other than English).
>
> E. Monolingual speaker of English (speaks English exclusively). (Office of Civil Rights, 1975, p. 2)

With the possible exceptions of the two extreme levels (i.e. A and E), one is immediately struck by the loose manner in which these levels are defined and how they bear no resemblance to the operational definitions found in the sciences, which require that definitions be given in terms of concrete operations, such as scores on tests, numbers of items passed, and so on. What this means, unfortunately, from the point of view of a researcher is that there is no clear way of deciding how these categories apply to actual behavior, whether it be in the school or in any other linguistic context. One is also left wondering if the partitions provided in this system bear any resemblance to the qualitative/quantitative stages found in second language acquisition. It may be that what we are referring to as a language deficit is simply the natural expression of the different levels or stages of second

language acquisition.

From the measurement point of view, as will be seen, the five-level system set up by the Lau Task Force lacked either a theoretical or an empirical basis and, in that sense, was totally dictated by the practical need for having a system which made some sense and could serve as a general guideline. The major difficulty is not so much that the system was arbitrary but that its relation to either theory or explicit measurement procedures was unstated. In this very real way, school districts were left to their own devices. As will be seen from the following analysis, school districts have been hard put to find much in the way of meaningful solutions. Conversely, not wanting to place itself in the position of advocacy, OCR has found it equally difficult to offer concrete recommendations beyond those dealing with the legal aspects of the court's ruling.

It is fortunate that the federal government has, within the past year, funded a series of Lau Centers whose responsibility is to assist schools found to be "out of compliance." It will become the responsibility of the professionals working in these centers to provide the leadership in working through and clarifying some of the above mentioned issues.

For a more detailed discussion on some of the directions being suggested by one center on the question of language assessment, the reader is encouraged to review González and Fernández (1976). By the same token, the reader interested in a more detailed discussion with respect to the testing of children from Spanish-speaking homes is referred to DeAvila and Havassy (1974),

since this present paper pertains to language assessment and the *Lau Remedies*.

The fundamental issue of the *Lau* decision concerns the significant numbers of children who had been denied an equal educational opportunity because they may not have the English language skills necessary for full participation in the current educational system. It is, therefore, the responsibility of the educational leadership to find ways to assist these children so they can more readily participate.

On the surface, the problem would seem simple enough. If what is needed is simply to provide English language skills, as many seem to believe, then the solution is simply to decide which children are in need of these skills and to assign them to special remedial classes. However, the problem is far more complex.

Let us begin by considering the problem of testing and by asking a number of questions, independent of *Lau*, about testing: Are there available instruments? Are these instruments compatible with the backgrounds of the children? Were they conceived according to the phonemic/lexical/syntactic patterns of the language they are assessing or are they simply translations of an English test? Do they provide the kind of information that will assist the learner or do they simply fulfill legal requirements? Do they provide results which are consistent across different linguistic contexts (i.e., does the child speak the say way in all situations)? Do they stand up psychometrically? Do they test all of the various aspects of language? Does the procedure

for scoring and interpreting the tests consider the possible influence of developmental factors on language acquisition? Do they provide comparable results across tests? Do they provide results which simultaneously meet legal and educational requirements? Finally, are there specific programs matched to each of the five language levels, and if so, do these programs carry equal status with other programs, or are they simply the old programs redesigned for the "culturally disadvantaged" in a new form? Let us consider some of these questions. As will be seen, we have no specific set of answers. We do, however, have a great many questions.

From the point of view of Lau, the only defensible reason for testing is to determine which children do or do not have the requisite skills to allow them to participate in the current educational systems, i.e., are they sufficiently proficient in the English language to participate in the "mainstream" monolingual setting. With this attitude, many have interpreted the problem as one of simply determining whether or not a child is "dominant" in English. The unfortunate part here is that while a test of language "dominance" may be a convenient way to satisfy the legal aspects of the Lau decision, it tells nothing about the specific needs of an individual child. A student who ranks in the 79th percentile in English and the 65th percentile in Spanish is easily classified as "English dominant." The real truth is that that child may have problems in both languages. Or what about a student who ranks in the 65th percentile in both languages? According to the Lau categories, he or she would be classified

as a perfect bilingual ("...speaks both the language other than English and English with equal ease").

The real problem here is that the concept of "dominance" is as ill-defined as the *Lau* categories. Moreover, how does the concept of dominance clarify the relation between the child's linguistic development and school achievement in such a way that we can actually do something about it? This question can be asked in another way: does "dominance" in and of itself determine what *is* learned or does it determine what *can* be learned?

Almost immediately after receiving the *Lau Remedies*, school administrators asked for help in deciding which test to use. The immediate answer was that they should use the valid one. But which one is valid? Inasmuch as the OCR Remedies specifically state that the intent behind the district's assessment of linguistic ability is "...to place the student(s) in one of the following categories by language," then it is the *Lau* decision that has served as criterion-validation: the instruments a district uses are valid if they can place students into the five levels or categories set out in the OCR Remedies.

What this has meant is that to a large extent, the normal process of research has been suspended as a result of the need for practical action. Furthermore, this has placed OCR personnel in the precarious position of having to make judgments about an instrument's technical properties without the benefit of research or a background in the field. However, problems associated with issues of predictive, concurrent, and other indices of validity and reliability are technical in nature and not particularly

within the scope of this discussion. The key point here is that these are technical issues, associated with attempts to deal with the question of whether or not a test really measures what it purports to in a reliable way. And, with few exceptions, these issues have been subordinated to practical necessity. Therefore, for the moment let us leave the more technical issues of psychometrics aside and briefly consider the question of what to measure.

Three sources were used in this study: Project Best with the descriptive bibliography of instruments for the assessment of bilingual programs (Ehrlich and Ehrlich, 1974; Ehrlich and Ehrlich, 1975), data compiled by the Texas Education Agency (1975) on oral language assessment instruments, and our own examination of available instruments. From these sources we have completed a preliminary analysis of 46 currently available language assessment instruments: twenty of these instruments are classified as "language dominance" tests, thirty can be classified as "language proficiency" tests, and eight instruments measure both "dominance" and "proficiency." Further findings will be discussed below within the context of the structure of language. A list of the tests which we examined is provided in the Appendix.

It is a generally accepted notion that language consists of four primary subsystems: the phonemic system (the basic sounds of the language), the referential system (the "words" of the language), the syntactical system (the rules for making meaningful sentences), and the pragmatic system (the use of language to obtain specific goals).

The foundation of any language is its phonemic system. It is from this small set of basic sounds that all meaningful words of the language are constructed. For this reason, if the student cannot hear the difference between these basic sounds (decode them), then he/she will not be able to understand words constructed from them in daily and instructional conversations. On the other hand, if the student cannot pronounce the sounds (encode them), then others will have difficulties in understanding his/her communications. Phonemes and their variants, or allophones, present great difficulties to the student moving from one language to another. In addition, there is increasing evidence that familiarity with the phonemic system is a very important aspect of learning to read and write (C. Chomsky, 1970; N. Chomsky, 1970; Read, 1971).

Of the 46 language assessment instruments we examined, only four include a measure of phoneme production; of these, three were tests of Spanish proficiency, one was a test of English proficiency. We found no instrument described as a test of language dominance which included a measure of phoneme production.

There were, however, six tests which measure auditory discrimination. Four were tests of language proficiency, and three assessed both proficiency and dominance.

It is our feeling that the purpose for including auditory discrimination and phoneme production items in an assessment of language is to determine if the subject has a problem with a significant aspect of language, i.e., does he/she have a communication problem and thus a need for help? Whether, for example,

a child pronounces the initial *p* of the American English word *party* as an aspirated or as an unaspirated stop probably won't hinder communication. On the other hand, if the child cannot distinguish between *sheep* and *cheap* or *yellow* and *jello* in either coding or encoding, there will likely be a breakdown in communication and/or an occasion for ridicule, as in the case of a visiting foreign student who announced, "When I go out to dinner, I always wash the hostess." Thus, a measure of auditory discrimination or production should include the significant sounds in the target language.

The referential system (lexical), the next level of language, consists of the meaningful units constructed from the basic phonemes. It is this level of "words" (lexical items or morphemes) which ultimately determines the meaning of any sentence (Langacker, 1968). In addition, it appears that a knowledge of at least some lexical items is extremely important, if not absolutely necessary, for acquiring syntax of the corresponding language (Moeser and Olson, 1974). Unfortunately, in the assessment of the repertoire of referential units, substantial extralinguistic factors are encountered, particularly the student's level of education and experience. If the level of education is high and the environment offers diverse experiences, the student will learn a wide range of words. For the restricted student, the opportunity for word acquisition is considerably less. It is for this reason that most vocabulary tests correlate very highly with I.Q. scores (Irwin, 1960) and socio-economic class

(e.g., Osser *et al.*, 1969). DeAvila and Havassy (1974) have argued against the use of vocabulary tests in assessing the intellectual development of children from non-English-speaking backgrounds.

Forty-three of the 46 tests included in our analysis claim to measure various levels of lexical ability: the ability to respond to isolated words. Twenty-one of these tests assess aural lexical comprehension; 16 measure oral lexical production; and six include a measure of written lexical comprehension (i.e., reading).

It is quite true, as Miller (1965) emphasizes, that a sentence is not "a linear sum of the significance of the words that comprise it." It is also true that words in isolation may have different meanings. However, the fact that a student has problems with American English lexical items is an indication of a weakness which may contribute to difficulty in the mainstream setting. Either the student has not abstracted commonly encountered words or the student has had little or no experience in the language. In either case, from the point of view of what we can infer from the *Lau* decision, the student has a language need or deficit which may limit "the opportunity to participate..."

The third level of language is the syntactical system (the rules for combining words into a meaningful sentence). Syntax is essential for the understanding of the language because the relationship between words provides a major contribution to the meaning of communications in that language. For example, while the sentence "The cat chases the rat" has the same words as the sentence "The rat chases the cat," they have very different

meanings. The meaning of a sentence also depends on how words are grouped. As in Miller's (1965) excellent example, the sentence, "They are hunting dogs," may have two distinct meanings depending on whether we group "are hunting" or "hunting dogs."

The usual method of assessing linguistic ability (and specifically, syntactical ability) is through the analysis of the subject's linguistic production. It should be noted that there are a number of problems inherent in using this method to assess syntax:

1. The meanings of the results are difficult to interpret because they do not distinguish between what the subject can do and what the subject does (McNeill, 1970);
2. Substantial effects due to socio-economic class have been observed (Moore, 1971);
3. Interactions between situation and subcultural groups are often found (Brukman, 1972);
4. It is very difficult to know the exact input the child is responding to;
5. The interpretation of the results must take into account the age of the subject;
6. Variations in syntax do not mean communication is necessarily lost.

Of the tests we examined, 34 include items assessing oral syntax comprehension, and 32 measure oral syntax production. Thirteen tests measure written syntax comprehension (i.e., reading), and nine include written syntax production.

In an effort to isolate those tests which most adequately covered the four components of syntactical ability--listening, speaking, reading and writing--we found five instruments which measure aural syntax comprehension and oral production, as well

as written syntax comprehension and production. Of these five, two were proficiency tests for high school and adult students of languages other than English, and three were Spanish and English "language dominance" tests covering grades K-12, Pre K-6, and K-12, respectively.

The fourth subsystem of language concerns a person's ability to use the language for his/her own ends (pragmatics). Examples of pragmatic use of language include a student's ability to carry out relevant tasks requiring language, such as playing with peers, shopping at the store, reading a newspaper, asking directions, or writing a letter. From our brief review, it would appear that this area has generally been overlooked in both research and application. Only nine of the 46 tests we analyzed included items which could be classified as pragmatic. These usually took the form of an oral interview with the subject, who was directly questioned regarding his/her language habits. All but one of these eight tests were classified as tests of "language dominance."

As a final comment it is of some significance to note that, while the *Lau Remedies* encourages the use of prescriptive techniques, only one of the 46 tests we examined contained any concrete suggestions as to specific activities or exercises to remedy any of the problems identified.

In addition, DeAvila and Pulos (1977) have argued that the testing of a child represents a social interaction among three potentially distinct cultures as reflected by the test administrator, the test itself, and the child. In those cases where these cultures fail to match, results are bound to be spurious. Along

the same lines, it is important to bear in mind that the test situation provides a rather limited sample of behavior, requiring the subject's full comprehension of the "demand characters" of the test. Thus, for example, the child who, for whatever reason, provides terse responses to open-ended questions will be penalized by virtue of the low frequency of linguistic markers. On the other hand, a child who offers the longer response has the advantage, insofar as the probability of a given marker results from the joint function of the child's linguistic and conceptual development in conjunction with the length of the response. In virtually no cases did we find a test which took all of these factors into account, either through pre-training or through other procedures. Given the complexity of the problem, it is doubtful that any one test could.

In summary, our review seems to show that different tests measure different things. And no single test seems to measure all of the various aspects thought to be important. How well they do measure what they claim to is still another question. It would be foolhardy to attempt to review the multitudinous fashions in which authors have attempted to validate their works. There seems to be no consistent pattern. Since, to our knowledge, none of these instruments was specifically designed to meet Lau requirements, it would be equally foolhardy to discuss whether or not they were validated against the five level category system. In closing, then, let us consider a few issues in the more general sense.

If the question involved in the *Lau* decision is actually one of language instruction, then there are three alternatives: (1) ESL, (2) immersion in English, or (3) native language immersion combined with ESL.

In most ESL programs, the child is pulled out of the regular classroom for a short period of time and given instruction in English language arts, then returned to the classroom where he/she does not comprehend and cannot respond for the rest of the day. This leaves the child outside of "participating" in a full educational experience. By the same token, it means that the child's linguistic experience (i.e., ESL class time) is outside of the normal educational context. That is, as the child learns English, he/she is falling further and further behind in all the other subject areas.

In our review of certain studies of attempts to teach language to children, findings indicate limited success. In fact, one of the elements of the Bereiter-Englemann (1966) preschool program is the teaching of the concept of the negative statement such as "this is not paper." Cazden (1972) cites the work of one of her students (Schrager, 1971) who studied children's use of negative statements exclusive of a language lesson which set out to teach the correct syntactical construction. Schrager found 350 examples (out of a total of 396) of negatives which did not necessarily fit the intended structure of the language lesson.

To this we might add that Cazden (1972) reviewed a number of studies which attempted to determine the extent to which

linguistic coding ability (i.e., an ability to use symbols outside of the learned situation) could be assisted through intervention. From her review, Cazden concluded as follows:

> ...first, in the acquisition of language use as distinct from language structure, the child is aided by what he [or she] is encouraged to say, not what he [or she] simply hears. Second, adults seem to be essential for such encouragement. Finally, there is a danger that specified training will produce too specific learning.

According to Cazden (1972), the above limitations to the structured acquisition of language are summarized in two paradoxes. First, while parents present no formally structured approach to language instruction, all children seem to learn it as well as to generalize it to novel situations. Second, whereas all children readily seem to acquire their natural language under widely varying circumstances, attempts to provide direct language instruction inevitably lead to only limited improvement over fairly short periods of time. To this end, Edmonds (1976) has recently argued that a full understanding of language acquisition will not emerge until the process is viewed within a larger developmental framework.

Edmond's argument has received strong support from two independent sources. First, Tremaine (1975) has examined "syntax as an instance of operational intelligence," defined in the Piagetian sense:

> The results strongly suggested that when children learning a second language reach the stage of concrete operations, comprehension of the syntax of both their native and their second language improves greatly. In sixty-two out of sixty-five independent

> analyses of variance for the operational factor, it was found that children classified as operational performed significantly better in both languages than children classified as non-operational. (p. 48)

What this means is that solutions which focus on English language deficits will be of limited success as long as developmental factors are not taken into account.

Second, DeAvila and Pulos (1977) have shown that the performance of over 6,000 Mexican-American children, on a wide variety of Piagetian tasks, is fundamentally the same as their Anglo counterparts when linguistic and socio-cultural factors are controlled. On the other hand, while the conceptual development of Mexican-American children seems to be equal to that of Anglo children, there are distinct differences in school-related achievement. These differences, DeAvila and Havassy (1974) have argued, are due to linguistic and socio-cultural biases inherent in most of the currently used educational approaches. As such, DeAvila and Havassy, like Tremaine and others, have recommended an integration of linguistic and developmental approaches and the development of programs which match linguistic and developmental assessment, resulting in specific classroom recommendations.

Given these bases and other data, ESL as a solution to the Lau dilemma would seem less and less a viable alternative. In fact, the recommendation of the Center for Applied Linguistics that an ESL program alone was inadequate for teaching linguistically different elementary school children had been nationally

adopted in the OCR guidelines for Lau decision compliance (Troike, 1976).

Complete immersion in English is certainly a viable alternative and is one which should have the effect of preparing the child for participation in the educational process. Basically, this is what we find in the schools today. With respect to the Chicano, Latin American, or any child living in a nearly ethnically homogeneous neighborhood, the technique has little chance for success. The primary reason is that the children simply are not afforded language models outside of the schools which are really any different from their own. In other words, there is little motivation for speaking standard English outside of the schools. Further, why even try when there is little in the way of positive reinforcement for trying. And, anything less than perfect is labeled as *pocho*, deficit, or non-standard.

Paradoxically, it is also of some value to note that this method has had the greatest success of any of the attempts to promote bilingualism (see Cohen, 1975; Peal and Lambert, 1962). The bitter irony, however, is that it doesn't seem to work in the absence of equal status for both languages. In other words, Chicano children simply are not going to want to learn standard English as long as their own language (non-standard though it may be) is held as an object of scorn and ridicule.

Potentially, the third alternative is unique and most enriching. This approach offers full time instruction (entire curriculum) in the child's native language, with simultaneous instruction in English as a second language, in the same way

that American students in some school districts for quite a few years have been receiving instruction in English, with simultaneous instruction in French or in Spanish as a second language. Through this approach there is no longer any problem with getting the linguistically different child to a level at which he/she can participate; any child of school age is already there in the native language. The results of this kind of program are multiple.

The linguistically different child becomes a genuine bilingual. The native language is maintained. At the same time, the school instruction and the dominant English language of the environment ensure that the child becomes proficient in English. In addition, a total second language education could be made available to the American English-speaking child, with the concurrent advantages in attitude and intelligence, and at no extra cost to the school district.

The assumption underlying the Lau decision and, for that matter, any programs aimed at the remediation of an English language deficit is that children from homes where English is not the first language will fail in the schools as long as they do not learn English. Given the present attitudinal and organizational structure of the schools, this is true. However, a deeper assumption implicit in these approaches is that unless the child learns English, he/she cannot learn. This is not true. It has the net effect of shifting the burden from the adult educator to the child, who can do little or nothing.

If we were to turn the question around, forget looking at language as an end in itself, and look at what can be learned through promoting bilingualism, an entirely different picture emerges. Recent work drawn from a variety of sources would suggest that the benefits of bilingualism would far exceed any short term educational (or linguistic) deficits.

In by far the most rigorously controlled series of experiments on the relationship between language, intellectual development, and school-related achievement, Peal and Lambert (1962) matched monolingual and bilingual groups to show that:

> The picture that emerges of the French-English bilingual in Montreal is that of a youngster whose wider experiences in two cultures have given him advantages which a monolingual does not enjoy. Intellectually his experience with two language systems seems to have left him with a mental flexibility, a superiority in concept formation, and a more diversified set of mental abilities, in the sense that the patterns of abilities developed by bilinguals were more heterogeneous....In contrast, the monolingual appears to have a more unitary structure of intelligence which he must use for all types of intellectual tasks. (p. 20)

Further review of the literature on bilingualism would tend to support the above conclusions, gathered in research conducted throughout the world, from Singapore (Torrance *et al.*, 1970), Switzerland (Balkan, 1970), South Africa (Ianco-Worrall, 1972), Israel and New York (Been-Zeev, 1972), Western Canada (Cummins and Gulustan, 1973), Montreal (Scott, 1973), and from the United States on Chicano populations (DeAvila and Havassy, 1974, 1975; Cohen, 1975; Feldman and Shen, 1971). To the best of our knowl-

edge, there have not been any recent contradictions of these positive findings which show definite advantages on measures of cognitive flexibility, creativity, and diversity. Finally, research implications drawn from the study of "metalinguistics" (Cazden, 1972) would seem to provide further and perhaps stronger support for the contention that bilingualism is an intellectual asset, and not a deficit, as has been believed.

We thus come to what is perhaps the ultimate issue, namely, that the problem addressed by the Lau decision is legal and its implied solution is symptomatic of the very problem that produced the original litigation. This problem really cuts across every level of American society. The problem addressed by Lau is but one facet of a much more complex socio-cultural and economic disparity between different peoples living in the United States. As such, Lau is an indirect attempt to address the problem of language status through legal means which unfortunately are not based on what we know about education, or more importantly, about how and what children learn. That it produces as many questions as it attempts to answer is good. It means that the educator, test developer, or any other person working with children for whom English is not the primary language, will have to think a little bit more about what he/she is doing, lest we all become co-conspirators.

## APPENDIX

## LIST OF LANGUAGE TESTS EXAMINED

*Assessment Program of Early Learning Skills (APPEL)*

*Auditory Discrimination Test (ADT)*

*Auditory Pointing Test (APT)*

*Austin Spanish Articulation Test (AUSTIN)*

*Basic Inventory of Natural Language (BINL)*

*Bilingual Syntax Measure (BSM)*

*Comprehensive English Language Test (CELT)*

*City College Language Dominance Tests for Spanish-English Bilinguals: Ambiguous Verbal Stimulus Test and Flexibility Test to Measure Language Dominance in Spanish-English Bilinguals (CITY COLLEGE)*

*Diagnostic Test for Students of English as a Second Language (DIAGNOSTIC)*

*Dos Amigos Verbal Language Scale (DOS AMIGOS)*

*Project Frontier Student Placement Questionnaire (FRONTIER)*

*Gloria & David (GDLA)*

*Hebrew Language Tests (HEBREW)*

*Ilyin Oral Interview (ILYIN)*

*Language Usage (INTER-AMERICAN)*

*Inter-American Series: Comprehension of Oral Language and CIA*

*James Language Dominance Test (JAMES)*

*Language Assessment Scale (LAS)*

*Language Dominance Index Form (LDIF)*

*Language Dominance Survey (LDS)*

*Language Facility Test (LFT)*

*MAT-SEA-CAL*

*MLA-Cooperative Foreign Language Tests (MLA)*

*Marysville Test of Language Dominance (MTLD)*

*Michigan Oral Language Production Tests (MOLPT)*

*Navajo-English Language Dominance Assessment (NAVAJO-SPOLSKY)*

*Orientation in American English Placement & Proficiency Tests (OAE)*

*Oral Language Inventory (OLI)*

*Oral Language Proficiency Test (OLPT)*

*Oral Placement Test and Oral Production Test (ORAL)*

*Pimsleur Modern Foreign Language Proficiency Tests (PIMSLEUR)*

*Placement Tests for Speakers of Other Languages (PLACEMENT-ABE)*

*Pupil's Language Usage Inventory (PLUI)*

*Peabody Picture Vocabulary Test (PPVT)*

*Pruebas de Puerto Rico: English Language Test (PRUEBAS)*

*Spanish-English Language Performance Sample (SELPS)*

*English Phonemic Unit Production Test & Spanish Phonemic Unit Production Test (SKOCZYLAS)*

*Home Bilingual Usage Estimate (SKOCZYLAS)*

*Spolsky Spanish-English Language Dominance Assessment (SPOLSKY)*

*Screening Test for Auditory Comprehension of Language (STACL-Short Form)*

*SWCEL Test of Oral English Production (SWCEL-English)*

*SWCEL Spanish Oral Capacity Test (SWCEL-Spanish)*

*Test of Auditory Comprehension of Language (TACL-Long Form)*

*Tests of Basic Language Competence in English & Spanish (TBLC)*

*Test of Language Dominance (TOLD)*

*ZIP Test: Language Facility Section (ZIP)*

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